

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)) Plaintiff,)) v.)) CARLOS ECHEVESTE-GAMA and) ABEL LINARES,)) Defendants.)	8:05CR252	ORDER
--	-----------	-------

Now pending before the court are the defendants' motions (Filings 51 & 52) for extension of time to file pretrial motions. Defendant Linares requests an extension "for at least one month." Defendant Echeveste-Gama requests an extension to "at least" October 30, 2005. Neither of the defendants has filed a waiver of speedy trial as required by NECrimR 12.3(a)¹. Accordingly,

IT IS ORDERED that defendants' motions for extension of time (Filings 51 & 52) are held in abeyance pending compliance with NECrimR 12.3(a). Defendants shall file the required waiver before the close of business on Thursday, October 6, 2005.

DATED September 30, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

¹NECrimR 12.3(a) provides:

At the arraignment, the magistrate judge shall set deadlines for requesting discovery and filing pretrial motions. These dates shall be strictly enforced unless the court grants an extension of time. Absent good cause shown, a motion for an extension of time to file pretrial motions must be made within the time set for the filing of motions. Motions for extensions of time to file pretrial motions will be granted only upon a showing of good cause. If the defendant is a moving party, the motion for extension of time to file pretrial motions shall be accompanied by the defendant's affidavit or declaration (*see* 28 U.S.C. § 1746) stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.;
- (3) With this understanding and knowledge, agrees to the filing of the motion; and
- (4) Waives the right to a speedy trial.